

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

INTERNATIONAL APPLICATION NO.

PCT/US2005/010240

INTERNATIONAL FILING

DATE 25 Mar 2005

25.03.2005

PRIORITY DATE CLAIMED

01 Apr 2004

01.04.2004

TITLE OF INVENTION: HISTAMINE H3 RECEPTOR AGENTS, PREPARATION AND THERAPEUTIC USES

APPLICANT(S) FOR DO/EO/US: BEAVERS Lisa Selsam, FINLEY Don Richard, FINN Terry Patrick, GADSKI Robert Alan, HIPSKIND Philip Arthur, HORNBACK William Joseph, JESUDASON Cynthia Darshini, PICKARD Richard Todd, TAKAKUWA Takako, VAUGHTT Grant Mathews


Applicant herewith submits to the U.S. Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☒ A declaration of the inventors 35 U.S.C. 371(c)(4) was provided in the PCT Request Form.
11. ☐ A copy of the International Preliminary Examination Report (IPER), including any annexes, and, if not in English, an English language translation of the annexes to the IPER under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 12. to 18. below concern document(s) or information included:

12. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98. ☒ Search Report/Written Opinion (ISA/EP)
13. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
14. ☐ Assignment has been recorded at reel _____, frame _____.
15. ☒ A FIRST preliminary amendment.
16. ☐ A SECOND or SUBSEQUENT preliminary amendment.
17. ☐ A Sequence Listing, 1.821 Statement, and diskette.
18. ☒ A change of power of attorney with attachment.
19. ☒ Other items or information:

Please amend the first page of the specification by inserting the following cross-reference after the title:
 "This is the national phase application, under 35 USC 371, for PCT/US2005/010240/010240, filed 25 March 2005, which, claims the benefit, under 35 USC 119(c), of US provisional application 60/558,542, filed 1 April 2004, and 60/617,101, filed 8 October 2004."

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5)		INTERNATIONAL APPLICATION NO. PCT/US2005/010240		ATTORNEY'S DOCKET NUMBER X16949M	
19.	<input checked="" type="checkbox"/>	The following fees are submitted:		CALCULATIONS <small>PTO USE ONLY</small>	
(a)	Basic national fee (37 CFR 1.492(a)).....\$300.00		\$300.00		
(b)	Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0 All other situations.....\$200				
(c)	Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....\$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....\$400 All other situations.....\$500				
TOTAL AMOUNT (a + b + c) =			\$900.00		
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(c)).			\$		
CLAIMS		NUMBER FILED	NUMBER EXTRA	RATE	
Total claims		15-20=		X \$50.00	\$
Independent claims		3-3=		X \$200.00	\$
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$360.00	\$
TOTAL OF ABOVE CALCULATIONS =			\$		
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).			\$		
SUBTOTAL =			\$900.00		
Processing fee of \$130.00 for furnishing English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).			\$		
TOTAL NATIONAL FEE =			\$		
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31).			\$		
\$40.00 per property +			\$		
TOTAL FEES ENCLOSED =			\$900.00		
			Amount to be refunded		\$
			charged		\$
a.	<input type="checkbox"/>	A check in the amount of \$_____ to cover the above fees is enclosed.			
b.	<input checked="" type="checkbox"/>	Please charge my Deposit Account No. 05-0840 in the amount of \$900.00 to cover the above fees. A duplicate copy of this sheet is enclosed.			
c.	<input checked="" type="checkbox"/>	The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 05-0840. A duplicate copy of this sheet is enclosed.			
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO: ELI LILLY AND COMPANY PATENT DIVISION P.O. BOX 6288 INDIANAPOLIS, INDIANA 46206-6288 29 September 2006 _____ Date 48,613 REGISTRATION NUMBER			_____ /Dan L. Wood/ SIGNATURE Dan L. Wood _____ 317-277-3366 TELEPHONE NUMBER		 25885 <small>PATENT TRADEMARK OFFICE</small>